

NEW YORK MONITOR

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Introduction

On 14 October 2009, the Security Council convened to address the situation in the Middle East, including the Palestinian question. The debate addressed a number of issues concerning the progress of the political efforts towards a two-state solution, Israeli settlement expansion, recent hostilities in East Jerusalem, and the humanitarian crisis in Gaza. However, States also took advantage of the opportunity to comment on the recently released report of the UN fact-finding mission on the Gaza conflict which was headed by South African Justice Goldstone (the Goldstone report). Notably, the Security Council agreed to bring forward its scheduled meeting to discuss the situation in the Middle East debate from 20 October to 14 October to enable the Security Council to discuss the Goldstone report independent of further developments at the Human Rights Council later in the week.

The Goldstone report made a number of recommendations for ensuring accountability for perpetrators and redress for victims. It called on Israel to conduct independent investigations into alleged serious violations of international humanitarian and human rights law during the Gaza conflict. The report also called on Hamas ('the relevant authority in Gaza') to initiate genuine and effective proceedings into the many allegations of such violations.

Briefing by Under-Secretary-General of Political Affairs

Briefing the Security Council on the situation in the Middle East, Under-Secretary-General of Political Affairs, Mr. Lynn Pascoe, stated there had been no significant progress on political efforts to resolve the Israeli-Palestinian conflict, and some worrying developments on the ground. Tensions had increased, with a number of incidents in East Jerusalem during the last month. He also addressed the situation in Gaza, the West Bank, Lebanon and Syria.

In relation to the Goldstone report, the US-G noted that it would be considered by the Human Rights Council later in the week, and said that the Mission had made a number of recommendations for ensuring accountability for perpetrators and redress for victims. He reported that the Secretary-General “had supported the work of the fact finding mission from the outset”.

Remarks by delegates

Foreign Minister of the Palestinian Authority (PA), Mr. Riad al-Malki, expressed regret that, despite efforts by many parties, there had been no progress towards peace, because no real progress had been made in addressing the ongoing “Israeli colonisation campaign in the West Bank and the raging humanitarian crisis in the Gaza Strip”. According to Mr Malki, “Israel’s intransigence and defiance continued to jeopardize prospects for realizing a just and lasting peace in the Middle East.”

With tensions rising along with calls for responsible action, accountability and justice, he said the Goldstone report constituted a “wake-up call that must not be ignored”. Serious follow-up to the report was imperative to bringing an end to Israel’s “immoral and repugnant impunity” and prevent the recurrence of its crimes against Palestinians. He expressed hope that the Human Rights Council would endorse the Goldstone report and formally convey it to the respective UN bodies, which then must act on it.

Israel’s representative, Ms. Gabriela Shalev, said that her country sought a genuine, defensible and permanent peace, in which Jewish and Palestinian States lived side by side in security. While that vision would move the peace process forward, terrorism, bloodshed and incitement would not, she maintained, describing a rise in terrorist attacks during the month of September that included rockets and mortars launched from Gaza and southern Lebanon, and attempts to infiltrate Israel to plant explosives.

She said that the urgent rescheduling of today’s meeting was not because of the continuous shelling of Israeli territory or the threat of Iran’s nuclear development, as one might have thought, but had instead been called to deal with a matter that belonged elsewhere. According to Israel, the Goldstone report was “one-sided, biased and wrong”. It legitimised terrorism and denied Israel’s right to defend its citizens, permitting terrorists to victimise civilians and use as human shields those it claimed to defend. Debating the report was destructive to the peace process, she said, concluding that, if Israel was asked to take further risks for peace, the international community must recognize its right to self-defence.

During the ensuing debate, speakers underlined the importance of resuming negotiations towards a two-State solution as soon as possible, reiterating that the parties should implement their obligations under the Quartet-backed Road Map and other agreements. In that regard, they urged Israel to stop all settlement activities, including natural growth. Many speakers of the pro-Arab bloc (Egypt, Venezuela, Pakistan, League of Arab States, Senegal, Iran, Bangladesh, Malaysia) underlined that the root cause of all problems in the region was the illegal Israeli military occupation of Palestinian and other Arab territories.

Expressing concern at recent incidents around the holy sites in East Jerusalem, representatives urged both sides to exercise the utmost restraint. They called on the PA to continue its efforts to establish security and state institutions within a reasonable amount of time, and stressed the need for intra-Palestinian unity. The PA was also urged to step up efforts to heal divisions among Palestinian factions, and continue to dismantle terrorist infrastructures and to end violence and incitement.

While condemning continued rocket attacks from Gaza into southern Israel, speakers also noted that the current situation in Gaza was unacceptable and urged parties to fully implement the provisions of Security Council *Resolution 1860* (2009). They called on Israel to open border crossings within the framework of appropriate monitoring in order to allow reconstruction to start, and called on all States to prevent arms smuggling into Gaza. They called for the release of Gilad Shalit and the release of political prisoners.

The Deputy Foreign Minister of the United Republic of Tanzania addressed the Security Council, as did the representatives of Mexico, Japan, Costa Rica, Burkina Faso, Russian Federation, United Kingdom, Croatia, United States, Uganda, Turkey, France, China, Austria and Viet Nam. Statements were also made by the representatives of Egypt (on behalf of the Non-Aligned Movement), Syria (on behalf of the Organisation of the Islamic Conference), Brazil, Sweden (on behalf of the European Union), Liechtenstein, Sudan (on behalf of the Arab Group), Nicaragua, Indonesia, South Africa, Cuba, Pakistan, Iceland, Switzerland, Bangladesh, Malaysia, Ecuador, Iran, Australia, Morocco, Jordan, Norway, Maldives, Sri Lanka and Venezuela.

Remarks on the Goldstone report

Noting that the Goldstone report had uncovered serious violations of international law by Israel and Hamas and other armed groups, participants in the debate stressed that all parties should strictly adhere to international humanitarian and human rights law under all circumstances and that those responsible for violations should be prosecuted.

Most Council members favoured consideration of the Goldstone report by the Human Rights Council, which should ensure an appropriate follow-up. According to Costa Rica, “it was perhaps premature to discuss it further until the Human Rights Council acted on it.” Most speakers respected the mandate of the Human Rights Council in relation to the situation, and were keen to await the outcome of its consideration of the report before taking any action (Burkina Faso, Australia, Croatia, France, US, Norway).

Nevertheless, the representative of Libya, supported by several pro-Arab non-Council members (Pakistan, League of Arab State, Senegal, Iran, Bangladesh, Malaysia) said the report clearly showed that crimes against humanity and war crimes had been committed by Israel and that its continuing blockade of Gaza was a policy of collective punishment. According to this pro-Arab bloc, the Security Council should adopt the report and invite the Human Rights Council to discuss it.

Looking forward

The Human Rights Council is set to hold its 12th special session on the human rights situation in the occupied Palestinian territories and East Jerusalem on 15-16 October 2009. Initiated by Council members belonging to the OIC, along with the Philippines, South Africa, Cuba, Bolivia, China, Nicaragua, the meeting will consider the recommendations of the Goldstone report. The special session is expected to consider and adopt a resolution to endorse the Goldstone report.

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